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Attorneys for Defendant  
PATREON, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRAYDEN STARK, JUDD OOSTYEN,  
ISAAC BELENKIY, VALERIE BURTON,  
LAURA GOODFIELD, and DENOVIA  
MACK, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

PATREON, INC.,

Defendant.

Case No. 3:22-CV-03131-JCS

**DECLARATION OF CELINE G. PURCELL IN  
SUPPORT OF DEFENDANT PATREON, INC.'S  
ADMINISTRATIVE MOTION TO SEAL  
PORTIONS OF (1) PLAINTIFFS' REPLY IN  
SUPPORT OF THEIR MOTION TO  
SUPPLEMENT THE SUMMARY JUDGMENT  
RECORD AND (2) PATREON'S RESPONSE TO  
SUPPLEMENTAL EVIDENCE.**

1 I, Celine G. Purcell, declare as follows:

2 1. I am an attorney admitted to practice law in California and before this Court. I am an  
3 associate at The Norton Law Firm PC and counsel of record for Defendant Patreon, Inc. I submit this  
4 declaration in support of Defendant Patreon, Inc's Administrative Motion to Seal Portions of (1)  
5 Plaintiffs' Reply in Support of Their Motion to Supplement the Summary Judgment Record and (2)  
6 Patreon's Response to Supplemental Evidence. Except where otherwise stated, the statements in this  
7 declaration are based on my own personal knowledge and, if called to do so, I could and would testify  
8 competently to them.

9 2. A party seeking to seal certain filings must demonstrate that "compelling reasons" exist  
10 for the requested sealing. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).  
11 Requests for sealing must be narrowly tailored, using redactions instead of wholesale sealing where  
12 possible. *See* L.R. L.R. 79-5(b).

13 3. Patreon has compelling reasons to seek the sealing of specific, redacted portions of (1)  
14 Plaintiffs' Reply in Support of Their Motion to Supplement the Summary Judgment Record and (2)  
15 Patreon's Response to Supplemental Evidence and declarations in support thereof. Specifically,  
16 Plaintiffs' Reply discusses third party software Ketch and references various information and  
17 arguments filed under seal in Patreon's Opposition to Plaintiffs' Motion to Supplement the Summary  
18 Judgment Record. The contract between Ketch and Patreon stated:

19 16.2. Except as otherwise set forth in an Order Form, neither party will  
20 make any public statement relating to this Agreement without the prior  
21 written approval of the other, except that [Ketch] may include Customer's  
name and logo in its marketing, promotional materials, and customer lists.

22 4. On March 18, 2024, Judge Spero issued an order setting an April 16, 2024 deadline to  
23 either (1) obtain written permission from Ketch to file Plaintiff's Reply in Support of their Motion to  
24 Supplement the Summary Judgement Record publicly or (2) for Patreon to file a renewed motion to  
25 seal. Dkt. 148.

26 5. In March 2024, Patreon's in house counsel reached out to Ketch, cc'ing me, asking for  
27 times to connect to discuss this issue. On April 10, 2024, I spoke with in-house counsel for Ketch and  
28 requested written approval to publicly file the reply and other materials designated by Patreon as

confidential pursuant to the contract between Ketch and Patreon. Ketch's in-house counsel said he would review the materials and do his best to get us an answer keeping in mind the April 16, 2024 deadline set by the Court's March 18, 2024 order. Dkt. 148. On April 15, 2024, I emailed Ketch's in-house counsel reminding him of the April 16, 2024 deadline and providing him my cell phone number in the event he wanted to discuss anything in more detail. As of the time of this filing I have not received a response.

6. As of the time of this filing, Ketch has not provided written permission to file the various documents publicly.

7. Accordingly, Patreon moves to seal portions of the following documents:

Document	Description	Designating Party
Reply	Plaintiffs' Reply in Support of Motion to Supplement the Summary Judgment Record: Page 2, lines 27-28; Page 3, lines 6-7, 9, 11; Page 4, lines 2-4, 6, 15-16	Patreon, Inc.
Response	Patreon, Inc.'s Response To Supplemental Evidence Offered By Plaintiffs In Connection With Patreon's Motion For Summary Judgment Page 1, lines 7-12 Page 2, lines 1, 5-6, 7-11, 14, 21, 28 Page 3, line 28 Page 4, lines 16-19, 23-28 Page 5, lines 1-4, 5-12, 14	Patreon, Inc.
Declaration	Declaration of Jason Bilog Page 1, lines 10-11, 14-15 Page 2, lines 5-16	Patreon, Inc.
Declaration	Declaration of Jared Smith Page 1, lines 11, 13-14 Page 2, lines 6-17, 19-26 Page 3, lines 5-10	Patreon, Inc.
Declaration	Declaration of Christopher Eppstein Page 1, lines 11-12	Patreon, Inc.

	Page 2, lines 5-24 Page 3, lines 1-15, 17-23, 25 Page 4, lines 1-3, 5	
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8. Consistent with L.R. 79-5(b), this request is narrowly tailored because it seeks to seal only the confidential and sensitive information at issue, including by using redactions, rather than the sealing of entire documents.

I declare under penalty of perjury and the laws of the United States that the statements in this declaration are true and correct to the best of my knowledge, and that this declaration was executed on April 16, 2024 in San Carlos, California.

/s/ Celine G. Purcell  
Celine G. Purcell